

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CORNWALL MANAGEMENT LTD and OLEG
SOLOVIEV a/k/a OLEG VALENTINOVICH
SOLOVIEV,

Plaintiffs,

-against-

THOR UNITED CORP. a/k/a THOR UNITED
CORPORATION, JOHN DOE THOR
ENTITIES, ATLANTA CAPITAL HOLDINGS,
LLC, OLEG BATRACHENKO a/k/a
O.V.BATRACHENKOV, PETER KAMBOLIN,
NORTH 3RD DEVELOPMENT, LLC, and
ABRAHAM BENNUN,

Defendants.

12 CIV 08551 (LLS)

DECLARATION OF RENEE M. ZAYTSEV IN SUPPORT OF DEFENDANTS
NORTH DEVELOPMENT, LLC'S AND ABRAHAM BENNUN'S
MOTION TO DISMISS THE AMENDED COMPLAINT

RENEE M. ZAYTSEV hereby declares pursuant to 28 U.S.C. § 1746:

1. I am an attorney with the law firm Olshan Frome Wolosky LLP, attorneys to defendants North 3rd Development, LLC and Abraham Bennun. I submit this Declaration in support of these defendants' motion to dismiss the Amended Complaint.

2. Plaintiffs filed the Complaint in this action on or about November 21, 2012. (Dkt. No. 1). On or about January 11, 2013, defendants North 3rd Development and Bennun moved to dismiss the Complaint against them. (Dkt. No. 4). On February 16, 2013, Plaintiffs served an Amended Complaint. (Dkt. No. 8).

3. Attached as **Exhibit 1** hereto is a redline comparing the original Complaint to the Amended Complaint, as provided to me by Plaintiff's counsel on February 19, 2013.

4. Paragraphs 81 and 113 of the Amended Complaint refer to two articles published by the Wall Street Journal, dated November 15, 2010 and September 6, 2011. True and correct copies of these articles are attached as **Exhibits 2 and 3 hereto**.

5. I respectfully request that the Court grant North 3rd Development's and Bennun's Motion to Dismiss, dismissing the Amended Complaint with prejudice, and for such other relief as the Court deems just and proper.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
March 13, 2013

/s/ Renee M. Zaytsev
Renee M. Zaytsev